

1 Stuart A. Shanus (SBN 188046)
sshanus@reedsmith.com
2 Katherine W. Insogna (SBN 266326)
kinsogna@reedsmith.com
3 REED SMITH LLP
355 South Grand Avenue, Suite 2900
4 Los Angeles, CA 90071-1514
Telephone: +1 213 457 8000
5 Facsimile: +1 213 457 8080

6 Attorneys for Defendant Alfred
Publishing Co., Inc.
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 ALLUMINATION FILMWORKS, LLC,
a Delaware Limited Liability Company,
12

13 Plaintiff,

14 vs.

15 JOHN MAURICE DOYLE, ALFRED
PUBLISHING CO., INC., a New York
Corporation, and DOES 1-10,
16

17 Defendants.
18
19
20
21
22
23
24
25
26
27
28

Case No.: 2:11-cv-01945 MMM (PLAx)

**DEFENDANT ALFRED
PUBLISHING CO., INC.'S ANSWER
TO COMPLAINT**

[Demand for Jury Trial]

Honorable Margaret M. Morrow

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 Defendant Alfred Publishing Co., Inc. ("Defendant") responds to the Complaint
2 of Plaintiff Allumination Filmworks, LLC ("Plaintiff") as follows:

3
4 Jurisdiction and Venue

5
6 1. Defendant admits that Plaintiff purports to invoke the subject matter
7 jurisdiction of this court under 28 U.S.C. §§ 1331, 1338(a) and 1367(a). Defendant
8 admits that Plaintiff purports venue is proper in this district under 28 U.S.C. §
9 1391(b)(1) & (2).

10
11 The Parties

12
13 2. Defendant is without knowledge or information sufficient to form a belief
14 as to the truth of the allegations set forth in Paragraph 2 of the Complaint, and on that
15 basis, denies those allegations.

16
17 3. Defendant is without knowledge or information sufficient to form a belief
18 as to the truth of the allegations set forth in Paragraph 3 of the Complaint, and on that
19 basis, denies those allegations.

20
21 4. Defendant admits that it is a New York corporation with a principal place
22 of business in Van Nuys, California. Defendant further admits that it advertises itself
23 as the world's largest educational music publisher. Except as expressly admitted
24 herein, Defendant denies all of remaining allegations of Paragraph 4 of the Complaint.

25
26 5. Paragraph 5 is not directed at Defendant, and thus, does not require a
27 denial or admission. To the extent that this paragraph can be construed as making any
28 allegations against Defendant, Defendant denies the allegations contained therein.

1 13. Defendant is without knowledge or information sufficient to form a belief
2 as to the truth of the allegations set forth in Paragraph 13 of the Complaint, and on
3 that basis, denies those allegations.

4
5 14. Defendant is without knowledge or information sufficient to form a belief
6 as to the truth of the allegations set forth in Paragraph 14 of the Complaint, and on
7 that basis, denies those allegations.

8
9 15. Defendant is without knowledge or information sufficient to form a belief
10 as to the truth of the allegations set forth in Paragraph 15 of the Complaint, and on
11 that basis, denies those allegations.

12
13 16. Defendant is without knowledge or information sufficient to form a belief
14 as to the truth of the allegations set forth in Paragraph 16 of the Complaint, and on
15 that basis, denies those allegations.

16
17 17. Defendant is without knowledge or information sufficient to form a belief
18 as to the truth of the allegations set forth in Paragraph 17 of the Complaint, and on
19 that basis, denies those allegations.

20
21 18. Defendant is without knowledge or information sufficient to form a belief
22 as to the truth of the allegations set forth in Paragraph 18 of the Complaint, and on
23 that basis, denies those allegations.

24
25 19. Defendant admits that on or about June 9, 2008, Defendant entered a
26 written agreement with Doyle. Except as expressly admitted herein, Defendant denies
27 all of remaining allegations of Paragraph 19 of the Complaint.
28

20. Defendant denies the allegations set forth in Paragraph 20 of the Complaint.

21. Defendant denies the allegations set forth in Paragraph 21 of the Complaint.

22. Defendant denies the allegations set forth in Paragraph 22 of the Complaint.

Second Cause of Action

23. Defendant incorporates its answers set forth in Paragraphs 1-22 in response to the allegations of Paragraph 23 of the Complaint.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 24 of the Complaint, and on that basis, denies those allegations.

25. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 25 of the Complaint, and on that basis, denies those allegations.

26. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 26 of the Complaint, and on that basis, denies those allegations.

Third Cause of Action

1 27. Defendant incorporates its answers set forth in Paragraphs 1-26 in
2 response to the allegations of Paragraph 27 of the Complaint.

3
4 28. Defendant is without knowledge or information sufficient to form a belief
5 as to the truth of the allegations set forth in Paragraph 28 of the Complaint, and on
6 that basis, denies those allegations.

7
8 29. Defendant is without knowledge or information sufficient to form a belief
9 as to the truth of the allegations set forth in Paragraph 29 of the Complaint, and on
10 that basis, denies those allegations.

11
12 30. Defendant is without knowledge or information sufficient to form a belief
13 as to the truth of the allegations set forth in Paragraph 30 of the Complaint, and on
14 that basis, denies those allegations.

15
16 31. Defendant is without knowledge or information sufficient to form a belief
17 as to the truth of the allegations set forth in Paragraph 31 of the Complaint, and on
18 that basis, denies those allegations.

19
20 32. Defendant is without knowledge or information sufficient to form a belief
21 as to the truth of the allegations set forth in Paragraph 32 of the Complaint, and on
22 that basis, denies those allegations.

23
24 33. Defendant is without knowledge or information sufficient to form a belief
25 as to the truth of the allegations set forth in Paragraph 33 of the Complaint, and on
26 that basis, denies those allegations.

27
28 34. Defendant is without knowledge or information sufficient to form a belief

1 as to the truth of the allegations set forth in Paragraph 34 of the Complaint, and on
2 that basis, denies those allegations.

3
4 35. Defendant is without knowledge or information sufficient to form a belief
5 as to the truth of the allegations set forth in Paragraph 35 of the Complaint, and on
6 that basis, denies those allegations.

7
8 **Answer To Prayer For Relief**

9
10 In response to Plaintiff's Prayer for Relief, Paragraphs a-j, Defendant denies
11 that Plaintiff is entitled to any of the relief requested therein, and further denies that
12 Plaintiff has been injured in any way.

13
14 **Affirmative Defenses**

15
16 **First Affirmative Defense**

17 (Failure to State a Cause of Action)

18 As a first affirmative defense to each cause of action contained in Plaintiff's
19 Complaint, Defendant alleges that Plaintiff's Complaint fails to set forth facts
20 sufficient to constitute a cause of action against Defendant.

21
22 **Second Affirmative Defense**

23 (Statute of Limitation)

24 As a second affirmative defense to each cause of action contained in Plaintiff's
25 Complaint, Defendant alleges that Plaintiff's Complaint is barred by the statute of
26 limitations.

1 Third Affirmative Defense

2 (Estoppel)

3 As a third affirmative defense to each cause of action contained in Plaintiff's
4 Complaint, Defendant alleges that Plaintiff is estopped by its conduct from recovering
5 against Defendant on its Complaint.

6
7 Fourth Affirmative Defense

8 (Waiver)

9 As a fourth affirmative defense to each cause of action contained in Plaintiff's
10 Complaint, Defendant alleges that Plaintiff has waived in whole or part any right to
11 recover on its Complaint.

12
13 Fifth Affirmative Defense

14 (Unclean hands)

15 As a fifth affirmative defense to each cause of action contained in Plaintiff's
16 Complaint, Defendant alleges that Plaintiff's Complaint is barred by the doctrine of
17 unclean hands.

18
19 Sixth Affirmative Defense

20 (Conduct of Others)

21 As a sixth affirmative defense to each cause of action contained in Plaintiff's
22 Complaint, Defendant alleges that the conduct of third parties caused and contributed
23 to Plaintiff's injury or damages, if any, and therefore, any liability should be
24 apportioned according to fault.

25
26 ///

27
28 ///

1 Seventh Affirmative Defense

2 (Failure to Mitigate)

3 As a sixth affirmative defense to each cause of action contained in Plaintiff's
4 Complaint, Defendant alleges that any recover against Defendant must be reduced to
5 the extent Plaintiff has failed to mitigate, minimize or avoid their claimed damages.

6
7 Eighth Affirmative Defense

8 (Reservation of Affirmative Defenses)

9 As an eighth affirmative defense to each cause of action contained in Plaintiff's
10 Complaint, Defendant reserves the right to assert additional defenses at trial in this
11 matter.

12
13 **PRAYER FOR RELIEF**

14 WHEREFORE, Defendant demands judgment against Plaintiff as follows:

- 15
16 1. An order dismissing Plaintiff's Complaint with prejudice and denying all
17 relief requested therein;
- 18
19 2. An order declaring that Defendant has not infringed and does not
20 infringe, either directly, contributorily, or through inducement, the five copyrighted
21 works at issue;
- 22
23 3. An order that Defendant be awarded all costs and attorneys' fees incurred
24 in defending this lawsuit;
- 25
26 4. Such other and further relief as this Court deems just and appropriate.
27
28

DEMAND FOR JURY TRIAL

Defendant Alfred Publishing Co., Inc. hereby demands a jury trial as to all issues so triable.

DATED: May 2, 2011. REED SMITH LLP

By /s/ Katherine W. Insogna
Stuart A. Shanus
Katherine W. Insogna
Attorneys for Defendant
Alfred Publishing Co., Inc.

REED SMITH LLP
A limited liability partnership formed in the State of Delaware